



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR - 4 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Abraham Chavez  
Owner  
A & R Custom Chrome Plating  
6528 South Laverne Avenue  
Chicago, Illinois 60638

Re: Administrative Order EPA-5-15-113(a)-IL-10

Dear Mr. Chavez,

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

*Brian Dickens*

Brian Dickens  
Air Enforcement and Compliance Assurance Branch, OH/MN

Enclosure

cc: Regional Hearing Clerk/E-19J  
Kathleen Schnieders, C-14J  
Katharina Bellairs, AE-17J  
Reza Bagherian, AE-17J  
Eric Jones, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

In the Matter of:	) EPA-5-15-113(a)-IL-28
	)
A & R Custom Chrome Plating	) Proceeding Under Sections 113(a)(3) and 114(a)(1)
Chicago, Illinois	) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3)
	) and 7414(a)(1)

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to A&R Custom Chrome Plating (A&R) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

**Statutory and Regulatory Background**

**Illinois State Implementation Plan**

2. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.

3. Any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP, and is federally enforceable under Section 113 of the CAA, 42 U.S.C. § 7413. 40 C.F.R. § 52.23.

4. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 103(a) and 103(b) as part of the federally enforceable SIP of the State of Illinois. 37 Fed. Reg. 10862. IPCB Rules 103(a) and (b) have been recodified at 35 Ill. Admin. Code §§ 201.142 and 201.143, respectively.

5. The Illinois SIP provides that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA). Rule 103(a)(1) [35 Ill. Admin. Code § 201.142]

6. The Illinois SIP provides that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required, without first obtaining an operating permit from IEPA. Rule 103(b)(1) [35 Ill. Admin. Code § 201.143]

7. The Illinois SIP provides “[t]he Agency may impose such conditions in an operating permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board thereunder.” Rule 103(b)(7) [35 Ill. Admin. Code § 201.161]

8. IEPA issued a federally enforceable lifetime operating permit, facility I.D. No. 031012AHA, to A&R on January 11, 2008 (A&R’s permit).

9. Paragraph 10 of A&R’s permit requires it to maintain monthly records of particulate matter (PM) and hazardous air pollutant (HAP) emissions, with supporting calculations, in tons per month and tons per year.

10. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations for particular industrial sources that emit one or more of the HAPs listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), in significant quantities. EPA codifies these regulations at 40 C.F.R. Part 63.

11. Section 112(i)(3) of the CAA prohibits the owner or operator of any source from operating such source in violation of any National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to such source. 42 U.S.C. § 7412(i)(3); and 40 C.F.R. § 63.4.

#### Subpart 6W NESHAP

12. Under Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW (Subpart 6W) on July 1, 2008: 73 Fed. Reg. 37741.

13. Subpart 6W applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; 2) uses or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) among other things, is engaged in non-chromium electroplating. 40 C.F.R. § 63.11504(a).

14. Subpart 6W defines an “area source of HAP emissions” as any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year (tpy) or more and any combination of HAPs at a rate of 25 tpy or more. 40 C.F.R. § 63.11504(a)(2).

15. Subpart 6W defines a “plating and polishing metal HAP” as any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form, with exceptions not relevant here. 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.

16. Subpart 6W defines "electroplating" as an electrolytic process that uses or emits any of the plating and polishing metal HAPs in which metal ions in solution are reduced onto the surface of the work piece via an electrical current. 40 C.F.R. § 63.11511.

17. Subpart 6W requires that the owner or operator of an affected source prepare an annual certification of compliance report that includes, in part:

- 1) for owners or operators of an affected electroplating tank that is subject to the requirements in 40 C.F.R. § 63.11507(a)(1), a statement that a WA/FS was added to the bath according to the manufacturer's specifications and instructions; and
- 2) for owners or operators of an affected tank or other affected plating and polishing operation that is subject to the management practices in 40 C.F.R. § 63.11507(g), a statement that the applicable management practices have been implemented, as practicable. The annual certification of compliance report must be prepared no later than January 31 of the year immediately following the reporting period and kept in a readily-accessible location for inspector review. These reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period. 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c).

#### Subpart N NESHAP

18. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N, 40 C.F.R. § 63.340 *et seq.* (Subpart N), on January 25, 1995. 60 Fed. Reg. 4948.

19. Subpart N applies, in part, to each chromium electroplating tank at facilities performing decorative chromium electroplating. 40 C.F.R. § 63.340(a).

20. Subpart N defines "decorative chromium electroplating" as the process by which a thin layer of chromium (typically 0.003 to 2.5 microns) is electrodeposited on a base metal, plastic, or undercoating to provide a bright surface with wear and tarnish resistance. 40 C.F.R. § 63.341(a).

21. Sources listed in Table 1 of Subpart N must comply with certain requirements of the General Provisions of Part 63 (General Provisions)

22. Accordingly, 40 C.F.R. §§ 63.4 and 63.10(b)(1), of the General Provisions are applicable to a facility subject to Subpart N.

23. The General Provisions provide that no owner or operator subject to the provisions of Subpart A shall fail to keep records, notify, report, or revise reports as required under Subpart A. 40 C.F.R. § 63.4(a)(2).

24. The General Provisions require the owner or operator of an affected source subject to the provisions of Part 63 to maintain files of all information required by Part 63 recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. 40 C.F.R. § 63.10(b)(1).

25. Subpart N, at 40 C.F.R. § 63.347(h)(1), requires the owner or operator of an affected source that is located at an area source site to prepare annually a summary report to document the ongoing compliance status of the affected source that contains the information in 40 C.F.R. § 63.347(g)(3).

26. The General Provisions define an "area source" as any stationary source of HAPs that is not a "major source," which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs. 40 C.F.R. § 63.2.

27. Subpart N requires that the ongoing compliance status report contain the total operating time of the affected source during the reporting period. 40 C.F.R. § 63.347(g)(3)(vi).

28. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

29. The Administrator of EPA may require any person who owns or operates an emission source to make and submit reports under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### Findings

30. A&R owns and operates a plating facility at 6528 South Laverne Avenue, Chicago, Illinois (the Facility).

31. A&R conducts nickel electroplating, as defined at 40 C.F.R. § 63.11511, and decorative chromium electroplating, as defined at 40 C.F.R. § 63.341(a), of various metal parts at the Facility.

32. The Facility is an "area source of HAP emissions." 40 C.F.R. § 63.11504(a)(2).

33. Nickel is a "plating and polishing metal HAP." 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.

34. The Facility operates an electrolytic nickel tank subject to the requirements of Subpart 6W, which operates at a pH of less than 12.

35. The Facility operates an electrolytic decorative chromium plating tank subject to the requirements of Subpart N.

36. A&R owns or operates an "emission source" within the meaning of Section 114 (a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), and subject to the requirements of Section 114(a)(1).

37. On July 30, 2014, EPA performed a CAA inspection of the Facility.

38. Following the inspection, on August 7, 2014, A&R submitted documents to EPA (A&R's submittal).

39. Based on information obtained during the inspection and A&R's submittal, A&R failed for calendar year 2013 to maintain monthly records of PM and HAP emissions, with supporting calculations in tons per month and tons per year, in accordance with Paragraph 10 of A&R's permit and the Illinois SIP.

40. Based on information obtained during the inspection and A&R's submittal, A&R failed for calendar year 2013 to maintain annual compliance certifications for its nickel electroplating tanks, as required by 40 C.F.R. §§ 63.10(b)(1), 63.11508(d)(2) and 63.11509(c), 63.11509 and 63.11509(b).

41. Based on information obtained during the inspection and A&R's submittal, A&R has failed to maintain annual compliance certifications for its decorative chromium electroplating tanks, as required by 40 C.F.R. §§ 63.4(a)(2), 63.10(b)(1), 63.340(b), 63.346(a), 63.346(b)(11), and 63.347(h)(1).



### Compliance Program

42. By the effective date of this Order, A&R must begin to maintain monthly records of PM and HAP emissions, with supporting calculations in tons per month and tons per year, in accordance with Paragraph 10 of A&R's permit and the Illinois SIP.

43. By February 27, 2015, and by January 31 of each calendar year thereafter, A&R must prepare an annual certification of compliance report for Subparts N and 6W, and keep them in a readily-accessible location at the Facility, as required by 40 C.F.R. §§ 63.10(b)(1), 63.347(h)(1), 63.11508(d)(2) and 63.11509(c).

44. By February 27, 2015, A&R must submit the annual certification of compliance report for Subparts N and 6W to EPA that it is required to prepare for reporting year 2014. For succeeding reporting years, A&R is only required to submit the annual certification of compliance report to EPA, on January 31, if a deviation from the requirements of Subpart 6W occurred during the reporting year. If A&R is required to submit the report due to deviations that occurred, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting year.

45. A&R must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

### General Provisions

46. This Order does not affect A&R's responsibility to comply with other federal, state, and local laws.

47. This Order does not restrict EPA's authority to enforce Section 112 of the CAA, 42 U.S.C. § 7412, or any other section of the CAA.

48. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for A&R's violation of Subpart 6W.

49. Failure to comply with this Order may subject A&R to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

50. The terms of this Order are binding on A&R, its assignees, and its successors. A&R must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

51. A&R may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If A&R fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

52. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips.

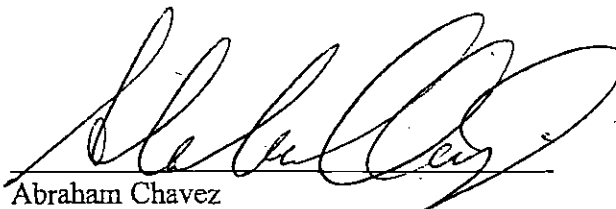
53. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

54. A&R agrees to the terms of this Order.

55. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that A&R has complied with all terms of the Order throughout its duration.

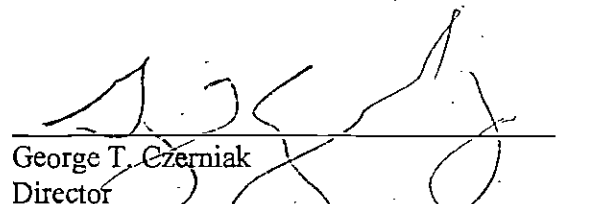
**A&R Custom Chrome Plating, Respondent**

2-18-2015  
Date

  
Abraham Chavez  
Owner  
A&R Custom Chrome Plating

**United States Environmental Protection Agency, Complainant**

3/4/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

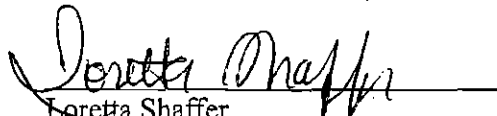
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-IL-28 by certified mail, return receipt requested, to:

Abraham Chavez, Owner  
A&R Custom Chrome Plating  
6528 South Laverne Avenue  
Chicago, IL 60638

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-IL-28 by first-class mail to:

Eric Jones, Manager  
Compliance Unit  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

On the 6 day of Mar 2015.

  
Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER(S):

7011 1150 0000 2640 5595